



March 6, 2012

House Natural Resources, Tourism and Outdoor Recreation Committee
Lansing, Michigan

Re: Cleanup of Leaking Underground Storage Tanks, SB 528-533

Dear Representatives,

The Michigan Environmental Council supports efforts to speed the cleanup of leaking underground storage tank sites across the state. Greater focus and attention needs to be placed on the over 9000 known sites of leaking underground tanks located across Michigan placing drinking water at unnecessary risk. Unfortunately, these bills fall short of steps necessary to protect public health.

One of our greatest concerns is that the bills relinquish the state's responsibility to protect public health to the parties responsible for the contamination and who have a vested interest in minimize expenditures and therefore could potentially put the public at risk. The bills at a minimum should require the MDEQ to perform the following actions:

- Review any determination that the hazardous substances are not mobile or migrating. Hazardous substances that are mobile and migrating in groundwater may place drinking water sources or surface water bodies at risk.
- Review any closure report when the responsible party applies its own site specific target levels for cleanup because they are unable to clean the site to the level of unrestricted future use. In some cases, further cleanup may be feasible but the owner would be making a decision that further commitment of resources is not worth the reduction of risk that would occur.
- Mimic language added to Part 201 in 2010 to require the department to review at least 90% of the closure reports to ensure public health was being properly protected.

Lastly, the state should not be preventing from requiring a party to abate "imminent risk to public health." Language included in the bill allowing the party responsibility for the contamination to appeal an administrative order to abate the risk before taking steps to protect public health should be removed.

If these changes are not made, we request Representatives oppose the legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "James Clift". The signature is stylized with loops and a long horizontal stroke extending to the right.

James Clift